

(iv) substantially all of the management functions of the entity are performed by members of qualified Indian tribes.

For purposes of clause (iii), equity interests owned by a member (or the spouse of a member) of a qualified Indian tribe shall be treated as owned by the tribe.

**(B) Qualified Indian tribe**

For purposes of subparagraph (A), an Indian tribe is a qualified Indian tribe with respect to an entity if such entity is engaged in a fishing rights-related activity of such tribe.

**(c) Special rules**

**(1) Distributions from qualified Indian entity**

For purposes of this section, any distribution with respect to an equity interest in a qualified Indian entity of an Indian tribe to a member of such tribe shall be treated as derived by such member from a fishing rights-related activity of such tribe to the extent such distribution is attributable to income derived by such entity from a fishing rights-related activity of such tribe.

**(2) De minimis unrelated amounts may be excluded**

If, but for this paragraph, all but a de minimis amount—

(A) derived by a qualified Indian tribal entity, or by an individual through such an entity, is entitled to the benefits of paragraph (1) of subsection (a), or

(B) paid to an individual for services is entitled to the benefits of paragraph (2) of subsection (a),

then the entire amount shall be entitled to the benefits of such paragraph.

(Added Pub. L. 100-647, title III, § 3041(a), Nov. 10, 1988, 102 Stat. 3640.)

**EFFECTIVE DATE**

Section 3044 of subtitle E (§§ 3041-3044) of title III of Pub. L. 100-647 provided that:

“(a) **EFFECTIVE DATE.**—The amendments made by this subtitle [enacting this section and amending sections 1402 and 3121 of this title, section 71 of Title 25, Indians, and sections 409 and 411 of Title 42, The Public Health and Welfare] shall apply to all periods beginning before, on, or after the date of the enactment of this Act [Nov. 10, 1988].

“(b) **NO INFERENCE CREATED.**—Nothing in the amendments made by this subtitle shall create any inference as to the existence or non-existence or scope of any exemption from tax for income derived from fishing rights secured as of March 17, 1988, by any treaty, law, or Executive Order.”

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 1402, 3121 of this title; title 25 section 71; title 42 sections 409, 411.

**Subtitle G—The Joint Committee on Taxation**

|         |  |                   |
|---------|--|-------------------|
| Chapter |  | Sec. <sup>1</sup> |
| 91.     | Organization and membership of the Joint Committee ..... | 8001              |

<sup>1</sup> Section numbers editorially supplied.

|     |  |      |
|-----|--|------|
| 92. | Powers and duties of the Joint Committee ..... | 8021 |
|-----|--|------|

**AMENDMENTS**

1976—Pub. L. 94-455, title XIX, § 1907(b)(1), Oct. 4, 1976, 90 Stat. 1836, struck out “Internal Revenue” in heading of subtitle G.

**CHAPTER 91—ORGANIZATION AND MEMBERSHIP OF THE JOINT COMMITTEE**

|       |   |
|-------|---|
| Sec.  |   |
| 8001. | Authorization.                          |
| 8002. | Membership.                             |
| 8003. | Election of chairman and vice chairman. |
| 8004. | Appointment and compensation of staff.  |
| 8005. | Payment of expenses.                    |

**§ 8001. Authorization**

There shall be a joint congressional committee known as the Joint Committee on Taxation (hereinafter in this subtitle referred to as the “Joint Committee”).

(Aug. 16, 1954, ch. 736, 68A Stat. 925; Oct. 4, 1976, Pub. L. 94-455, title XIX, § 1907(a)(1), 90 Stat. 1835.)

**AMENDMENTS**

1976—Pub. L. 94-455 struck out “Internal Revenue” after “Committee on”.

**EFFECTIVE DATE OF 1976 AMENDMENT**

Section 1907(c) of Pub. L. 94-455 provided that: “The amendments made by this section [amending this section and sections 8004, 8021, and 8023 of this title and enacting provisions set out below] shall take effect on the first day of the first month which begins more than 90 days after the date of the enactment of this Act [Oct. 4, 1976].”

**REFERENCES TO JOINT COMMITTEE ON INTERNAL REVENUE TAXATION**

Pub. L. 94-455, title XIX, § 1907(a)(5), Oct. 4, 1976, 90 Stat. 1836, provided that: “All references in any other statute, or in any rule, regulation, or order, to the Joint Committee on Internal Revenue Taxation shall be considered to be made to the Joint Committee on Taxation.”

**§ 8002. Membership**

**(a) Number and selection**

The Joint Committee shall be composed of 10 members as follows:

**(1) From Committee on Finance**

Five members who are members of the Committee on Finance of the Senate, three from the majority and two from the minority party, to be chosen by such Committee; and

**(2) From Committee on Ways and Means**

Five members who are members of the Committee on Ways and Means of the House of Representatives, three from the majority and two from the minority party, to be chosen by such Committee.

**(b) Tenure of office**

**(1) General limitation**

No person shall continue to serve as a member of the Joint Committee after he has ceased to be a member of the Committee by which he was chosen, except that—

**(2) Exception**

The members chosen by the Committee on Ways and Means who have been reelected to